

1 MORGAN, LEWIS & BOCKIUS LLP
2 KENT M. ROGER, State Bar No, 95987
3 HERMAN J. HOYING, State Bar No. 257495
4 JENNIFER L. CALVERT, State Bar No. 258018
5 One Market, Spear Street Tower
6 San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
kroger@morganlewis.com
hhoying@morganlewis.com
jennifer.calvert@morganlewis.com

7 Attorneys for Defendants
8 HITACHI, LTD., HITACHI DISPLAYS, LTD.,
HITACHI ELECTRONIC DEVICES (USA), INC.

14 STATE OF OREGON, *ex rel.* John Kroger,
15 Attorney General,

This Document Relates to Individual Case No.
3:10-cv-4346 SI

Master File No. 3:07-md-1827
MDL No. 1827

AU Optronics Corporation, *et al.*,

**STIPULATION AND [PROPOSED] ORDER
REGARDING TIME TO RESPOND TO
AMENDED COMPLAINT**

20

1

28

MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

CASE NO. 3:10-CV-4346 SI; MDL NO. 1827
STIPULATION AND [PROPOSED] ORDER

1 WHEREAS plaintiff State of Oregon (“Oregon”) filed the above captioned lawsuit on
 2 August 10, 2010;

3 WHEREAS Oregon filed a first amended complaint on April 15, 2011 (“Amended
 4 Complaint”);

5 WHEREAS Defendants Hitachi Displays, Ltd., Hitachi Electronic Devices (USA), Inc.
 6 and Hitachi, Ltd. (collectively, the “Hitachi Defendants”) and Defendants Chi Mei Corporation,
 7 Chi Mei Innolux Corporation, CMO Japan Co., Ltd., and Chi Mei Optoelectronic USA, Inc.
 8 (collectively, the “Chi Mei Defendants”) jointly filed with other defendants a motion to dismiss
 9 Count III in its entirety and Count IV to the extent it seeks “disgorgement of profits” as a remedy
 10 on June 6, 2011;

11 WHEREAS the Court denied Defendants’ joint motion to dismiss Counts III and IV of the
 12 Amended Complaint on July 12, 2011;

13 WHEREAS all defendants, including the Hitachi Defendants and Chi Mei Defendants,
 14 entered into a stipulation with Oregon on July 21, 2011 that Defendants’ deadline to answer the
 15 Amended Complaint was August 12, 2011;

16 WHEREAS on July 21, 2011, the Court entered an order extending Defendants’ deadline
 17 to answer the Amended Complaint until August 12, 2011;

18 WHEREAS the Hitachi Defendants and Chi Mei Defendants entered into a stipulation
 19 with Oregon on August 11, 2011 that the Hitachi Defendants’ and Chi Mei Defendants’ deadline
 20 to answer the Amended Complaint is September 12, 2011;

21 WHEREAS on August 24, 2011, the Court entered an order extending the Hitachi
 22 Defendants’ and Chi Mei Defendants’ deadline to answer the Amended Complaint until
 23 September 12, 2011;

WHEREAS extending the Hitachi Defendants' and Chi Mei Defendants' time to respond to the Amended Complaint will not alter the date of any other event or deadline already fixed by the Court;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel, on behalf of their respective clients, Oregon, on the one hand, and the Hitachi Defendants and Chi Mei Defendants on the other hand, as follows:

Hitachi Defendants and Chi Mei Defendants will have until September 26, 2011 to answer Oregon's Amended Complaint.

Dated: September 9, 2011

HAGLUND KELLEY HORNGREN JONES & WILDER
LLP

/s/ Michael K. Kelley

Michael E. Haglund (SBN 772030)

Michael K. Kelley (SBN 853782)

Shay S. Scott (SBN 934214)

HAGLUND KELLEY HORNGREN JONES & WILDER
LLP

200 SW Market Street, Suite 1777

Portland, OR 97201

Tel: (503) 225-0777

Fax: (503) 225-1257

mhaglund@hk-law.com

Counsel for State of Oregon

OREGON SENIOR ASSISTANT ATTORNEY GENERAL

Tim D. Nord (SBN 882800)

1162 Court Street, NW

Salem, OR 97301-4096

Tel: (503) 947-4333

Fax: (503) 225-1257

tim.d.nord@state.or.us

Counsel for State of Oregon

1 MORGAN LEWIS & BOCKIUS LLP
2

3 /s/ Kent M. Roger
4

5 Kent M. Roger (SBN 95987)
6 Morgan Lewis & Bockius LLP
7 One Market, Spear Street Tower
8 San Francisco, CA 94105
9 Tel: (415) 442-1000
10 Fax: (415) 442-1001
11 *kroger@morganlewis.com*

12 *Attorneys for Defendants Hitachi, Ltd., Hitachi Displays,*
13 *Ltd., and Hitachi Electronic Devices (USA), Inc.*

14 DAVIS POLK & WARDWELL LLP
15

16 /s/ Sandra West
17

18 Christopher B. Hockett (SBN 121539)
19 Neal A. Potischman (SBN 254862)
20 Sandra West (SBN 250389)
21 Samantha H. Knox (SBN 254427)
22 Micah G. Block (SBN 270712)
23 DAVIS POLK & WARDWELL LLP
24 1600 El Camino Real
25 Menlo Park, CA 94025
26 Tel: (650) 752-2000
27 Fax: (650) 752-2111
28 *chris.hockett@davispolk.com*
neal.potischman@davispolk.com
sandra.west@davispolk.com
samantha.knox@davispolk.com
micah.block@davispolk.com

29 Jonathan D. Martin (admitted pro hac vice)
30 Bradley R. Hansen (admitted pro hac vice)
31 DAVIS POLK & WARDWELL LLP
32 450 Lexington Avenue
33 New York, NY 10017
34 Tel: (212) 450-4000
35 Fax: (212) 701-5800
36 *jonathan.martin@davispolk.com*
bradley.hansen@davispolk.com

37 *Attorneys for Defendants Chimei Innolux Corporation*
38 *(F/K/A Chi Mei Optoelectronics Corp.), Chi Mei*
39 *Optoelectronics USA, Inc., and CMO Japan Co., Ltd.*

FILER'S ATTESTATION

I, Kent M. Roger, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order. In compliance with General Order 45.X.B, I hereby attest that Michael M. Kelley and Sandra West concur in this filing.

/s/ Kent M. Roger

Kent M. Roger

Attorneys for Defendants Hitachi, Ltd., Hitachi Displays, Ltd., and Hitachi Electronic Devices (USA), Inc.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO

[PROPOSED] ORDER

Pursuant to the parties' stipulation set forth above and pursuant to Rule 6-1(a) of the Civil Local Rules, IT IS SO ORDERED.

Dated: September 9, 2011

By Susan Illston

HON. SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

MORGAN, LEWIS &
BOCKIUS LLP
ATTORNEYS AT LAW
SAN FRANCISCO